

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 210

9:00 a.m.

September 27, 2017

TELEPHONE MEETING

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Allen McNeil, Real Estate Analyst
Judith Jensen, Assistant Attorney General
Amber Nielsen, Board Secretary
Kendelle Christiansen, Education Coordinator
Jim Bolton, Investigator
Craig Livingston, Investigator
Faruk Halilovic, Division Staff

BOARD MEMBERS PRESENT:

John E. Ulibarri, II, Vice Chair
Jim Bringhurst, Board Member
Jeffrey T. Morley, Board Member
Richard Sloan, Board Member

The September 27, 2017 meeting of the Appraiser Licensing and Certification Board began at 9:03 a.m. with Vice Chair Ulibarri conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the July 13, 2017 minutes as written. Vote: Vice Chair Ulibarri, yes; Board Member Bringhurst, yes; Board Member Morley, yes; Board Member Sloan, yes. The motion passes.

A motion was made and seconded to approve the August 23, 2017 minutes as written. Vote: Vice Chair Ulibarri, yes; Board Member Bringhurst, yes; Board Member Morley, yes; Board Member Sloan, yes. The motion passes.

Public Comment Period – No public attended the meeting.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported Kristin Coleman-Nicholl's term on the Board ended in July. He reported that the Senate confirmed Keven Ewell to a position on the Board to take her place. Mr. Ewell will be sworn in next month. Director Stewart thanked Ms. Coleman-Nicholl for volunteering her time and expertise on the Board and AMC Rules Committee. Director Stewart stated that he appreciated her and her service.

Director Stewart reported the Division has received a couple items from the ASC. He reported they have proposed revising their policy statements, which are the criteria which the ASC audits the Division on. He stated the comments are due by November 20. He stated he feels it's important for the Board and industry to know what the ASC looks at so they know what is expected of the Division. Director Stewart briefly went some of the proposed changes including the expansion to include monitoring of states that elect to register and supervise AMCs, changes to the definition of trainee appraiser to better reflect changes to Title XI, modify the requirements for temporary practice, clarify requirements for registry fees, include additional guidance regarding backgrounds on applications, changes regarding reciprocity documentation, clarify that courses may not be accepted for an expired AQB course unless reviewed by state, states have to consider USPAP violations whether or not USPAP violations were the basis for the complaint, adding the regulation for AMCs. Director Stewart stated the implementation is set for August 2018, so the legislation for these changes will run in the 2018 session, which would make the statutory changes effective May 2018. Mr. Fagergren stated It seems that there is more federal regulation being requested in these changes, which seems contrary to the seemingly looser requirements proposed in the third exposure draft.

Director Stewart reported the ASC issued a final rule for the AMC registry fees, which will become effective November 24. The final rule is the same as the initial filing despite receiving some public comments. The rule requires the state to collect \$25 per appraiser from each AMC which has been operable for over a year, and a fee deemed appropriate by the ASC for AMCs which have not been open for over a year. The fee may be adjusted by the ASC. The Division would probably start collecting those fees next summer. Vice Chair Ulibarri asked for clarification on the collection of those fees. Director Stewart stated it would be done the same way as the individual registration fees now: the Division collects those fees from the licensee and forwards the payment to the ASC. Board Member Morley asked what is purpose in charging the fee for the AMCs. Director Stewart stated it would be used for the same purpose that the individuals fees are used.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported in August the Division received 7 complaints; opened 12 new cases; closed 9 cases; leaving 36 appraisal cases open with the Division. There are a

total of 7 cases now with the AG's office. Ms. Wright noted that 3 of the 7 were related to AMCs.

Stipulations for Review:

David Bruce Bunker

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren report in the strong real estate market, there has been an increase of 30 appraiser trainees over the past 11 months. However, there has been a drop overall with a loss of licensed and certified appraisers.

Mr. Fagergren reported the Instructor Development Workshop will be held on Wednesday and Thursday, October 11th and 12th at the Park City Marriott. Theresa Barnabei, who is a co-founder of a company called Course Creators, will be speaking.

Mr. Fagergren presented lists of individuals who were approved for licensing by the Division since the last meeting.

Disciplinary List for Board's Consideration

Amy Beckstead

Board Member Morley asked a few questions regarding the procedure of the approval of individuals with the new list process. Mr Fagergren discussed the advantages and disadvantages.

BOARD AND INDUSTRY ISSUES

Mr. Barney reported there was a rule proposal with several changes that has been in the works for several months. This proposal would allow Appraisal Education Providers a streamlined process for CE events, lowering the number of minimum required inspections, changing the exterior measurements requirement, the rule change that would allow a Licensed Appraiser to become a Certified Residential Appraiser by paying a transfer fee rather than an application fee if they apply for the CR within 6 months after renewing their LA. The rule changes were presented to the Department for comment, and was received back yesterday. Mr. Barney stated he will be filing that rule to the public comment period.

A motion was made and seconded to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Vice Chair Ulibarri, yes; Board Member Bringhurst, yes; Board Member Morley, yes; Board Member Sloan, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held from approximately 9:34 a.m. to 9:48 a.m.

OPEN TO PUBLIC

RESULTS OF EXECUTIVE SESSION

Stipulations for Review:

David Bruce Bunker – Approved with Division Concurrence

Disciplinary List for Board's Consideration

Amy Beckstead – Approved with Division Concurrence

Director Stewart clarified that according to the law as it is currently written, a supervising appraiser does not attest that an appraiser trainee is competent to be an appraiser, they are merely attesting that everything on the experience log happened as it written on the log. It is up to the reviewer to determine if their work is competent enough to become licensed.

Board Member Morley noted he will be attending the IDW on Wednesday and will be participating in the panel. Board Member Sloan asked that the Division send an email with the details for IDW.

A motion was made and seconded to adjourn the meeting. Vote: Vice Chair Ulibarri, yes; Board Member Bringhurst, yes; Board Member Morley, yes; Board Member Sloan, yes. The motion passes. The meeting adjourned at approximately 9:51 a.m.